

SHB 1158 - S COMM AMD

By Committee on Government Operations & Elections

ADOPTED 04/12/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 1.12.070 and 1967 c 222 s 1 are each amended to read  
4 as follows:

5 Except as otherwise specifically provided by law hereafter:

6 (1) Any report, claim, tax return, statement or other document  
7 required to be filed with, or any payment made to the state or to any  
8 political subdivision thereof, which is (a) transmitted through the  
9 United States mail or private third-party delivery service, shall be  
10 deemed filed and received by the state or political subdivision on the  
11 date shown by the post office or private third-party delivery service  
12 cancellation mark or shipping date stamped or affixed upon the envelope  
13 or other appropriate wrapper containing it; or (b) mailed via United  
14 States mail or sent by a private third-party delivery service but not  
15 received by the state or political subdivision, or where received and  
16 the cancellation mark or shipping date is illegible, erroneous, or  
17 omitted, shall be deemed filed and received on the date it was mailed  
18 if the sender establishes by competent evidence that the report, claim,  
19 tax return, statement, remittance, or other document was deposited with  
20 a private third-party delivery service or in the United States mail on  
21 or before the date due for filing; and in cases of such nonreceipt of  
22 a report, tax return, statement, remittance, or other document required  
23 by law to be filed, the sender files with the state or political  
24 subdivision a duplicate within ten days after written notification is  
25 given to the sender by the state or political subdivision of its  
26 nonreceipt of such report, tax return, statement, remittance, or other  
27 document.

28 (2)(a) If any report, claim, tax return, statement, remittance, or  
29 other document is sent by United States registered mail, certified mail  
30 or certificate of mailing, a record authenticated by the United States

1 post office of such registration, certification or certificate shall be  
2 considered competent evidence that the report, claim, tax return,  
3 statement, remittance or other document was delivered to the addressee,  
4 and the date of registration, certification or certificate shall be  
5 deemed the postmarked date.

6 (b) If any report, claim, tax return, statement, remittance, or  
7 other document is sent via private third-party delivery service, a  
8 record authenticated by the private third-party delivery service shall  
9 be considered competent evidence that the report, claim, tax return,  
10 statement, remittance, or other document was delivered to the  
11 addressee, and the date of deposit with the private third-party  
12 delivery service shall be deemed the shipping date.

13 (3) If the date for filing any report, claim, tax return,  
14 statement, remittance, or other document falls upon a Saturday, Sunday  
15 or legal holiday, the filing shall be considered timely if performed on  
16 the next business day.

17 **Sec. 2.** RCW 36.29.010 and 2002 c 168 s 4 are each amended to read  
18 as follows:

19 The county treasurer:

20 (1) Shall receive all money due the county and disburse it on  
21 warrants issued and attested by the county auditor and electronic funds  
22 transfer under RCW 39.58.750 as attested by the county auditor;

23 (2) Shall issue a receipt in duplicate for all money received other  
24 than taxes; the treasurer shall deliver immediately to the person  
25 making the payment the original receipt and the duplicate shall be  
26 retained by the treasurer;

27 (3) Shall affix on the face of all paid warrants the date of  
28 redemption or, in the case of proper contract between the treasurer and  
29 a qualified public depository, the treasurer may consider the date  
30 affixed by the financial institution as the date of redemption;

31 (4) Shall endorse, before the date of issue by the county or by any  
32 taxing district for whom the county treasurer acts as treasurer, on the  
33 face of all warrants for which there are not sufficient funds for  
34 payment, "interest bearing warrant." When there are funds to redeem  
35 outstanding warrants, the county treasurer shall give notice:

36 (a) By publication in a legal newspaper published or circulated in  
37 the county; or

1 (b) By posting at three public places in the county if there is no  
2 such newspaper; or

3 (c) By notification to the financial institution holding the  
4 warrant;

5 (5) Shall pay interest on all interest-bearing warrants from the  
6 date of issue to the date of notification;

7 (6) Shall maintain financial records reflecting receipts and  
8 disbursement by fund in accordance with generally accepted accounting  
9 principles;

10 (7) Shall account for and pay all bonded indebtedness for the  
11 county and all special districts for which the county treasurer acts as  
12 treasurer;

13 (8) Shall invest all funds of the county or any special district in  
14 the treasurer's custody, not needed for immediate expenditure, in a  
15 manner consistent with appropriate statutes. If cash is needed to  
16 redeem warrants issued from any fund in the custody of the treasurer,  
17 the treasurer shall liquidate investments in an amount sufficient to  
18 cover such warrant redemptions; and

19 (9) May provide certain collection services for county departments.

20 The treasurer, at the expiration of the term of office, shall make  
21 a complete settlement with the county legislative authority, and shall  
22 deliver to the successor all public money, books, and papers in the  
23 treasurer's possession.

24 Money received by all entities for whom the county treasurer serves  
25 as treasurer must be deposited within twenty-four hours in an account  
26 designated by the county treasurer unless a waiver is granted by the  
27 county treasurer in accordance with RCW 43.09.240.

28 **Sec. 3.** RCW 63.29.020 and 2004 c 168 s 14 are each amended to read  
29 as follows:

30 (1) Except as otherwise provided by this chapter, all intangible  
31 property, including any income or increment derived therefrom, less any  
32 lawful charges, that is held, issued, or owing in the ordinary course  
33 of the holder's business and has remained unclaimed by the owner for  
34 more than three years after it became payable or distributable is  
35 presumed abandoned.

36 (2) Property, with the exception of unredeemed Washington state  
37 lottery tickets and unrepresented winning parimutuel tickets, is payable

1 and distributable for the purpose of this chapter notwithstanding the  
2 owner's failure to make demand or to present any instrument or document  
3 required to receive payment.

4 (3) This chapter does not apply to claims drafts issued by  
5 insurance companies representing offers to settle claims unliquidated  
6 in amount or settled by subsequent drafts or other means.

7 (4) This chapter does not apply to property covered by chapter  
8 63.26 RCW.

9 (5) This chapter does not apply to used clothing, umbrellas, bags,  
10 luggage, or other used personal effects if such property is disposed of  
11 by the holder as follows:

12 (a) In the case of personal effects of negligible value, the  
13 property is destroyed; or

14 (b) The property is donated to a bona fide charity.

15 (6) This chapter does not apply to a gift certificate subject to  
16 the prohibition against expiration dates under RCW 19.240.020 or to a  
17 gift certificate subject to RCW 19.240.030 through 19.240.060.  
18 However, this chapter applies to gift certificates presumed abandoned  
19 under RCW 63.29.110.

20 (7) This chapter does not apply to excess proceeds held by  
21 counties, cities, towns, and other municipal or quasi-municipal  
22 corporations from foreclosures for delinquent property taxes,  
23 assessments, or other liens.

24 **Sec. 4.** RCW 63.29.190 and 1993 c 498 s 8 are each amended to read  
25 as follows:

26 (1) Except as otherwise provided in subsections (2) and (3) of this  
27 section, a person who is required to file a report under RCW 63.29.170  
28 shall pay or deliver to the department all abandoned property required  
29 to be reported at the time of filing the report.

30 (2) Counties, cities, towns, and other municipal and quasi-  
31 municipal corporations that hold funds representing warrants canceled  
32 pursuant to RCW 36.22.100 and 39.56.040, uncashed checks, (~~excess~~  
33 ~~proceeds from property tax and irrigation district foreclosures,~~) and  
34 property tax overpayments or refunds may retain the funds until the  
35 owner notifies them and establishes ownership as provided in RCW  
36 63.29.135. Counties, cities, towns, or other municipal or quasi-  
37 municipal corporations shall provide to the department a report of

1 property it is holding pursuant to this section. The report shall  
2 identify the property and owner in the manner provided in RCW 63.29.170  
3 and the department shall publish the information as provided in RCW  
4 63.29.180.

5 (3) The contents of a safe deposit box or other safekeeping  
6 repository presumed abandoned under RCW 63.29.160 and reported under  
7 RCW 63.29.170 shall be paid or delivered to the department within six  
8 months after the final date for filing the report required by RCW  
9 63.29.170.

10 If the owner establishes the right to receive the abandoned  
11 property to the satisfaction of the holder before the property has been  
12 delivered or it appears that for some other reason the presumption of  
13 abandonment is erroneous, the holder need not pay or deliver the  
14 property to the department, and the property will no longer be presumed  
15 abandoned. In that case, the holder shall file with the department a  
16 verified written explanation of the proof of claim or of the error in  
17 the presumption of abandonment.

18 (4) The holder of an interest under RCW 63.29.100 shall deliver a  
19 duplicate certificate or other evidence of ownership if the holder does  
20 not issue certificates of ownership to the department. Upon delivery  
21 of a duplicate certificate to the department, the holder and any  
22 transfer agent, registrar, or other person acting for or on behalf of  
23 a holder in executing or delivering the duplicate certificate is  
24 relieved of all liability of every kind in accordance with RCW  
25 63.29.200 to every person, including any person acquiring the original  
26 certificate or the duplicate of the certificate issued to the  
27 department, for any losses or damages resulting to any person by the  
28 issuance and delivery to the department of the duplicate certificate.

29 **Sec. 5.** RCW 82.02.020 and 1997 c 452 s 21 are each amended to read  
30 as follows:

31 Except only as expressly provided in chapters 67.28 and 82.14 RCW,  
32 the state preempts the field of imposing taxes upon retail sales of  
33 tangible personal property, the use of tangible personal property,  
34 parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances,  
35 and cigarettes, and no county, town, or other municipal subdivision  
36 shall have the right to impose taxes of that nature. Except as  
37 provided in RCW 82.02.050 through 82.02.090, no county, city, town, or

1 other municipal corporation shall impose any tax, fee, or charge,  
2 either direct or indirect, on the construction or reconstruction of  
3 residential buildings, commercial buildings, industrial buildings, or  
4 on any other building or building space or appurtenance thereto, or on  
5 the development, subdivision, classification, or reclassification of  
6 land. However, this section does not preclude dedications of land or  
7 easements within the proposed development or plat which the county,  
8 city, town, or other municipal corporation can demonstrate are  
9 reasonably necessary as a direct result of the proposed development or  
10 plat to which the dedication of land or easement is to apply.

11 This section does not prohibit voluntary agreements with counties,  
12 cities, towns, or other municipal corporations that allow a payment in  
13 lieu of a dedication of land or to mitigate a direct impact that has  
14 been identified as a consequence of a proposed development,  
15 subdivision, or plat. A local government shall not use such voluntary  
16 agreements for local off-site transportation improvements within the  
17 geographic boundaries of the area or areas covered by an adopted  
18 transportation program authorized by chapter 39.92 RCW. Any such  
19 voluntary agreement is subject to the following provisions:

20 (1) The payment shall be held in a reserve account and may only be  
21 expended to fund a capital improvement agreed upon by the parties to  
22 mitigate the identified, direct impact;

23 (2) The payment shall be expended in all cases within five years of  
24 collection; and

25 (3) Any payment not so expended shall be refunded with interest to  
26 be calculated from the original date the deposit was received by the  
27 county and at the same rate applied to ((judgments to the property  
28 owners of record at the time of the refund)) tax refunds pursuant to  
29 RCW 84.69.100; however, if the payment is not expended within five  
30 years due to delay attributable to the developer, the payment shall be  
31 refunded without interest.

32 No county, city, town, or other municipal corporation shall require  
33 any payment as part of such a voluntary agreement which the county,  
34 city, town, or other municipal corporation cannot establish is  
35 reasonably necessary as a direct result of the proposed development or  
36 plat.

37 Nothing in this section prohibits cities, towns, counties, or other  
38 municipal corporations from collecting reasonable fees from an

1 applicant for a permit or other governmental approval to cover the cost  
2 to the city, town, county, or other municipal corporation of processing  
3 applications, inspecting and reviewing plans, or preparing detailed  
4 statements required by chapter 43.21C RCW.

5 This section does not limit the existing authority of any county,  
6 city, town, or other municipal corporation to impose special  
7 assessments on property specifically benefitted thereby in the manner  
8 prescribed by law.

9 Nothing in this section prohibits counties, cities, or towns from  
10 imposing or permits counties, cities, or towns to impose water, sewer,  
11 natural gas, drainage utility, and drainage system charges: PROVIDED,  
12 That no such charge shall exceed the proportionate share of such  
13 utility or system's capital costs which the county, city, or town can  
14 demonstrate are attributable to the property being charged: PROVIDED  
15 FURTHER, That these provisions shall not be interpreted to expand or  
16 contract any existing authority of counties, cities, or towns to impose  
17 such charges.

18 Nothing in this section prohibits a transportation benefit district  
19 from imposing fees or charges authorized in RCW 36.73.120 nor prohibits  
20 the legislative authority of a county, city, or town from approving the  
21 imposition of such fees within a transportation benefit district.

22 Nothing in this section prohibits counties, cities, or towns from  
23 imposing transportation impact fees authorized pursuant to chapter  
24 39.92 RCW.

25 Nothing in this section prohibits counties, cities, or towns from  
26 requiring property owners to provide relocation assistance to tenants  
27 under RCW 59.18.440 and 59.18.450.

28 This section does not apply to special purpose districts formed and  
29 acting pursuant to Titles 54, 57, or 87 RCW, nor is the authority  
30 conferred by these titles affected.

31 NEW SECTION. **Sec. 6.** A new section is added to chapter 84.56 RCW  
32 to read as follows:

33 Every person who offers a document to the auditor of the proper  
34 county for recording that results in any division, alteration, or  
35 adjustment of real property boundary lines, except as provided for in  
36 RCW 58.04.007(1) and 84.40.042(1)(c), shall present a certificate of  
37 payment from the proper officer who is in charge of the collection of

1 taxes and assessments for the affected property or properties. All  
2 taxes and assessments, both current and delinquent must be paid. For  
3 purposes of this act, liability shall begin on January 1st. Taxes not  
4 yet levied and certified shall be collected as an advance tax under RCW  
5 58.08.040.

6 **Sec. 7.** RCW 84.56.020 and 2004 c 161 s 6 are each amended to read  
7 as follows:

8 (1) The county treasurer shall be the receiver and collector of all  
9 taxes extended upon the tax rolls of the county, whether levied for  
10 state, county, school, bridge, road, municipal or other purposes, and  
11 also of all fines, forfeitures or penalties received by any person or  
12 officer for the use of his or her county. All taxes upon real and  
13 personal property made payable by the provisions of this title shall be  
14 due and payable to the treasurer on or before the thirtieth day of  
15 April and, except as provided in this section, shall be delinquent  
16 after that date.

17 (2) Each tax statement shall include a notice that checks for  
18 payment of taxes may be made payable to "Treasurer of . . . . .  
19 County" or other appropriate office, but tax statements shall not  
20 include any suggestion that checks may be made payable to the name of  
21 the individual holding the office of treasurer nor any other  
22 individual.

23 (3) When the total amount of tax or special assessments on personal  
24 property or on any lot, block or tract of real property payable by one  
25 person is fifty dollars or more, and if one-half of such tax be paid on  
26 or before the thirtieth day of April, the remainder of such tax shall  
27 be due and payable on or before the thirty-first day of October  
28 following and shall be delinquent after that date.

29 (4) When the total amount of tax or special assessments on any lot,  
30 block or tract of real property or on any mobile home payable by one  
31 person is fifty dollars or more, and if one-half of such tax be paid  
32 after the thirtieth day of April but before the thirty-first day of  
33 October, together with the applicable interest and penalty on the full  
34 amount of tax payable for that year, the remainder of such tax shall be  
35 due and payable on or before the thirty-first day of October following  
36 and shall be delinquent after that date.

1 (5) Delinquent taxes under this section are subject to interest at  
2 the rate of twelve percent per annum computed on a monthly basis on the  
3 full year amount of tax unpaid from the date of delinquency until paid.  
4 Interest shall be calculated at the rate in effect at the time of  
5 payment of the tax, regardless of when the taxes were first delinquent.  
6 In addition, delinquent taxes under this section are subject to  
7 penalties as follows:

8 (a) A penalty of three percent of the full year amount of tax  
9 unpaid shall be assessed on the tax delinquent on June 1st of the year  
10 in which the tax is due.

11 (b) An additional penalty of eight percent shall be assessed on the  
12 amount of tax delinquent on December 1st of the year in which the tax  
13 is due.

14 (6) Subsection (5) of this section notwithstanding, no interest or  
15 penalties may be assessed (~~for the period April 30, 2003, through~~  
16 ~~April 30, 2005,~~) during any period of armed conflict on delinquent  
17 taxes imposed (~~for collection in 2003 or 2004 which are imposed~~) on  
18 the personal residences owned by active duty military personnel who  
19 (~~participated in the situation known as "Operation Enduring~~  
20 ~~Freedom."~~) are participating as part of one of the branches of the  
21 military involved in the conflict and assigned to a duty station  
22 outside the territorial boundaries of the United States.

23 (7) For purposes of this chapter, "interest" means both interest  
24 and penalties.

25 (8) All collections of interest on delinquent taxes shall be  
26 credited to the county current expense fund; but the cost of  
27 foreclosure and sale of real property, and the fees and costs of  
28 distraint and sale of personal property, for delinquent taxes, shall,  
29 when collected, be credited to the operation and maintenance fund of  
30 the county treasurer prosecuting the foreclosure or distraint or sale;  
31 and shall be used by the county treasurer as a revolving fund to defray  
32 the cost of further foreclosure, distraint and sale for delinquent  
33 taxes without regard to budget limitations.

34 **Sec. 8.** RCW 84.56.310 and 1961 c 15 s 84.56.310 are each amended  
35 to read as follows:

36 Any person being the owner or having an interest in an estate or  
37 claim to real property against which taxes (~~shall have been unpaid~~)

1 have not been paid may pay the same and satisfy the lien at any time  
2 before (~~execution of a deed to said~~) the filing of a certificate of  
3 delinquency against the real property. The person or authority who  
4 shall collect or receive the same shall give a certificate that such  
5 taxes have been so paid to the person or persons entitled to demand  
6 such certificate. After the filing of a certificate of delinquency,  
7 the redemption rights shall be controlled by RCW 84.64.060.

8 **Sec. 9.** RCW 84.69.020 and 2002 c 168 s 11 are each amended to read  
9 as follows:

10 On the order of the county treasurer, ad valorem taxes paid before  
11 or after delinquency shall be refunded if they were:

- 12 (1) Paid more than once;
- 13 (2) Paid as a result of manifest error in description;
- 14 (3) Paid as a result of a clerical error in extending the tax  
15 rolls;
- 16 (4) Paid as a result of other clerical errors in listing property;
- 17 (5) Paid with respect to improvements which did not exist on  
18 assessment date;
- 19 (6) Paid under levies or statutes adjudicated to be illegal or  
20 unconstitutional;
- 21 (7) Paid as a result of mistake, inadvertence, or lack of knowledge  
22 by any person exempted from paying real property taxes or a portion  
23 thereof pursuant to RCW 84.36.381 through 84.36.389, as now or  
24 hereafter amended;
- 25 (8) Paid as a result of mistake, inadvertence, or lack of knowledge  
26 by either a public official or employee or by any person with respect  
27 to real property in which the person paying the same has no legal  
28 interest;
- 29 (9) Paid on the basis of an assessed valuation which was appealed  
30 to the county board of equalization and ordered reduced by the board;
- 31 (10) Paid on the basis of an assessed valuation which was appealed  
32 to the state board of tax appeals and ordered reduced by the board:  
33 PROVIDED, That the amount refunded under subsections (9) and (10) of  
34 this section shall only be for the difference between the tax paid on  
35 the basis of the appealed valuation and the tax payable on the  
36 valuation adjusted in accordance with the board's order;

1 (11) Paid as a state property tax levied upon property, the  
2 assessed value of which has been established by the state board of tax  
3 appeals for the year of such levy: PROVIDED, HOWEVER, That the amount  
4 refunded shall only be for the difference between the state property  
5 tax paid and the amount of state property tax which would, when added  
6 to all other property taxes within the one percent limitation of  
7 Article VII, section 2 of the state Constitution equal one percent of  
8 the assessed value established by the board;

9 (12) Paid on the basis of an assessed valuation which was  
10 adjudicated to be unlawful or excessive: PROVIDED, That the amount  
11 refunded shall be for the difference between the amount of tax which  
12 was paid on the basis of the valuation adjudged unlawful or excessive  
13 and the amount of tax payable on the basis of the assessed valuation  
14 determined as a result of the proceeding;

15 (13) Paid on property acquired under RCW 84.60.050, and canceled  
16 under RCW 84.60.050(2);

17 (14) Paid on the basis of an assessed valuation that was reduced  
18 under RCW 84.48.065;

19 (15) Paid on the basis of an assessed valuation that was reduced  
20 under RCW 84.40.039; or

21 (16) Abated under RCW 84.70.010.

22 No refunds under the provisions of this section shall be made  
23 because of any error in determining the valuation of property, except  
24 as authorized in subsections (9), (10), (11), and (12) of this section  
25 nor may any refunds be made if a bona fide purchaser has acquired  
26 rights that would preclude the assessment and collection of the  
27 refunded tax from the property that should properly have been charged  
28 with the tax. Any refunds made on delinquent taxes shall include the  
29 proportionate amount of interest and penalties paid. However, no  
30 refunds as a result of an incorrect payment authorized under subsection  
31 (8) of this section made by a third party payee shall (~~not include~~  
32 ~~refund interest~~) be granted. The county treasurer may deduct from  
33 moneys collected for the benefit of the state's levy, refunds of the  
34 state levy including interest on the levy as provided by this section  
35 and chapter 84.68 RCW.

36 The county treasurer of each county shall make all refunds  
37 determined to be authorized by this section, and by the first Monday in  
38 February of each year, report to the county legislative authority a

1 list of all refunds made under this section during the previous year.  
2 The list is to include the name of the person receiving the refund, the  
3 amount of the refund, and the reason for the refund.

4 NEW SECTION. **Sec. 10.** Section 7 of this act applies to all taxes  
5 levied for collection in 2005 and thereafter.

6 NEW SECTION. **Sec. 11.** This act is necessary for the immediate  
7 preservation of the public peace, health, or safety, or support of the  
8 state government and its existing public institutions, and takes effect  
9 immediately."

**SHB 1158** - S COMM AMD

By Committee on Government Operations & Elections

**ADOPTED 04/12/2005**

10 On page 1, line 1 of the title, after "changes;" strike the  
11 remainder of the title and insert "amending RCW 1.12.070, 36.29.010,  
12 63.29.020, 63.29.190, 82.02.020, 84.56.020, 84.56.310, and 84.69.020;  
13 adding a new section to chapter 84.56 RCW; creating a new section; and  
14 declaring an emergency."

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